



**Memorandum
Report of Unsafe Building**

To: Town Board
Cc: Town Clerk, Town Attorney, Town Highway Superintendent
From: Code Enforcement Officer, Planning Dept.
Subject: Unsafe Building at 107 Morris Rd, Parcel ID # 24.-1-2.43
Date: April 18, 2018

This written report is pursuant to Section 15 (f) of amended Local Law 1-2007, Providing for the Administration and Enforcement of New York State Uniform Fire Prevention and Building Code and Other Town of Dryden Local Laws and Ordinances.

The property was "Posted Against Occupancy" by town code enforcement for the numerous violations of the Uniform Fire Prevention and Building Code. Those included the leaking roof and deteriorated condition of the floors and walls clearly present by the sagging exterior side walls and roof. The main exit door was being blocked from opening by the deteriorating walls and floor.

The property owner was sent a Notice of Violation on November 16, 2010. This was before the structure had fallen in.

In April 1, 2013 another Notice of Violation was sent and the structure had fallen into the basement and it appeared vehicles had driven up to remove some of the debris. No demolition permit was applied for or granted until after this Notice of Violation. The owner did apply for and was granted a demolition permit but did not proceed to clean up the fallen materials or maintain the site free from hazards.

The demolition permit expired and a renewal notice was sent which the property owner did renew on July 15, 2014. Still little or no work was performed and the site remained a hazard and unsafe. The structure is a hazard and an Unsafe Building to this day.

The Code Enforcement Officer is recommending this structure be completely demolished and the lot be made free from the unsafe conditions and maintained in that condition. Section 15 (f) of the amended Local Law 1 of 2007 outlines the process:

Section 15(f): Unsafe Structures

In the event that the Code Enforcement Officer has condemned any structure located in the Town as an unsafe structure or a structure unfit for human occupancy pursuant to the applicable sections of the Uniform Code, as subsequently renumbered and/or amended, the Town shall have the following remedies in addition to all remedies set forth in State, local or other applicable law:

1. The Code Enforcement Officer shall report recommendations for repair or demolition of the structure in a written report to the Town Board.
2. The Town Board shall consider the report, and if it decides to proceed, schedule a public hearing. Notice of the public hearing shall be published and provided to the property owner by personal service pursuant to the New York Civil Practice Law and Rules at least 10 days before the date of the hearing.
3. The Town Board may contract with an engineer or architect to inspect the structure and make recommendations to the Town Board.
4. If, after the public hearing, the Town Board determines that the structure can safely be repaired, it may order the property owner to repair the structure within the time frame set forth in the order. If the Town Board determines that the structure cannot safely be repaired and should be demolished and removed, the Town Board may order such demolition and removal within the time frame set forth in the order.
5. Subject to the provisions of paragraph 15(f)(6) below, if the property owner fails to repair or demolish and remove the structure within the time period set forth in the Town Board's order, the Town Board may issue a directive that the Town cause the structure to be repaired or demolished and removed, and bill the property owner for the reasonable direct cost of such repair or demolition and removal, plus legal costs and administrative costs of the Town for administering, supervising and handling such work in accordance with the provisions of this local law.
6. Prior to issuing a directive that the Town cause the structure to be repaired or demolished and removed, the Town shall apply to the Supreme Court of Tompkins County for an order pursuant to this local law, declaring: (1) that the structure is in need of repair or demolition and removal; (2) that the Town may repair or demolish and remove the structure; (3) determining the cost of such repair or demolition and removal that will be billed to the property owner pursuant to this local law; and (4) granting a judgment against the property owner in the amount to be billed to the property owner. If the property owner refuses to grant the Town and its representatives access to the structure and the Town is unable to obtain access pursuant to other provisions of law, the Town may seek an order pursuant to this local law directing the property owner to give the Town and its representatives access to the structure for purposes of determining whether the structure can safely be repaired or should be demolished and removed.
7. If the sum stated in the bill is not paid within 30 days after mailing thereof to the property owner, the Town may file a certificate with the Tompkins County Department of Assessment stating the cost of repair or demolition and removal and administrative costs to the Town, as detailed in the bill, together with a statement identifying the property and property owner. The Tompkins County Department of Assessment shall in the preparation of the next assessment roll assess such unpaid costs upon such property. Such amount shall be included as a special ad valorem levy (administered as a move tax) against such property, shall constitute a lien, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as are provided by law for collection and enforcement of real property taxes in the Town of Dryden. The assessment of such costs shall be effective even if the property would otherwise be exempt from real estate taxation.